

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON L. BARSNESS, *as guardian on behalf of minor J.M.B. 1 and minor J.M.B. 2 et al.*,

CASE NO. 2:23-cv-00427-LK

Plaintiffs,

V.

UNITED STATES OF AMERICA et al.,

Defendants.

This matter comes before the Court sua sponte. Plaintiffs initiated this action under the Federal Tort Claims Act, 28 U.S.C. §§ 2671–2680, on March 22, 2023. Dkt. No. 1. Plaintiffs aver that they served a copy of the summons and complaint on the United States of America on March 23, 2023. Dkt. Nos. 3, 6. On May 23, 2023, before Defendants appeared or filed a responsive pleading or motion, Plaintiffs then filed an amended complaint. Dkt. No. 7.

Federal Rule of Civil Procedure 15(a) governs amendment of pleadings. Pursuant to Rule 15(a), a “party may amend its pleading once as a matter of course” within 21 days after serving it or the earlier of “21 days after service of a responsive pleading or 21 days after service of a motion

1 under Rule 12(b), (e), or (f)[.]” Fed. R. Civ. P. 15(a)(1)(A)–(B). Any other amendment requires
2 the opposing party’s written consent or leave of court. Fed. R. Civ. P. 15(a)(2); *see also* LCR 15;
3 *King v. Timber Ridge Trading & Mfg. Co.*, No. 2:19-CV-01617-RAJ, 2020 WL 1929259, at *1
4 (W.D. Wash. Apr. 21, 2020).

5 Here, the 21-day period for amendment as a matter of course following service of the
6 complaint has expired. *See* Fed. R. Civ. P. 15(a)(1)(A); Dkt. Nos. 3, 6. Further, Plaintiffs have not
7 demonstrated that amendment was timely under Rule 15(a)(1)(B) or warranted under Rule
8 15(a)(2). Accordingly, on or before May 30, 2023, Plaintiffs are ordered to show cause why their
9 amended complaint should not be stricken for failure to comply with Rule 15(a). *See, e.g.*,
10 *Burlingham v. Brown*, No. 2:20-cv-00586-JCC, Dkt. No. 17 (W.D. Wash. Oct. 27, 2020).

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12 Dated this 23rd day of May, 2023.

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15 Lauren King
16 United States District Judge
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